IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.577 OF 2005

IN

SUIT NO.367 OF 2005

...

Mr.Abhaykumar R. Dube ...Plaintiff

v/s.

Radheshyam M. Jaisawal ...Defendant

...

Mr.Manoj Vishvakarma for the Plaintiff.

None for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 22ND MARCH,2006

P.C.:

This Notice of Motion is taken out by the Plaintiff

for order of attachment before judgment. But perusal of the document filed with the plaint shows that the transaction between the parties is a money lending transaction, though the Plaintiff claims that it is not a money lending transaction. As it prima facie appears that the transaction is a money lending transaction, in my opinion, suit itself may not be maintainable and therefore, it will not be appropriate to grant any order of attachment before judgment. Motion is, therefore, disposed of.

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